Bryan W. Shaw, Ph.D., P.E., *Chairman*Toby Baker, *Commissioner*Jon Niermann, *Commissioner*Richard A. Hyde, P.E., *Executive Director* 



### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2017

The Honorable Dan Patrick Lieutenant Governor of Texas Capitol Station PO Box 12068 Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 993, as Filed by Senator Brandon Creighton - Relating to providing road powers to the Montgomery County Municipal Utility District No. 131; providing authority to issue bonds.

### Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

This bill amends the Special District Local Laws Code by adding Chapter 7967 relating to the Montgomery County Municipal Utility District No. 131 (District); this bill grants the District road powers; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and, House Bill 1448 by Rep. Bell is the companion to this proposed bill.

Cari-Michel LaCaille, Director

Water Supply Division

Sincerely,

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee Senator Brandon Creighton, Texas Senate

### LETTER OF TRANSMITTAL TEXAS SENATE STATE OF TEXAS

Bill Number

## SB 993

TO: The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/22/2017	Fatay Saw			
Date transmitted to	Secretary of the Senate			
Governor's Office				

TO: Texas Commission on Environmental Quality

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 3, 2017

Date transmitted to Governor

TO: The Honorable President of the Senate

Texas Commission on Environmental Quality

The Honorable Speaker of the House of Representatives

The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Texas Commission on Environmental Quality

By: Creighton S.B. No. 993

### A BILL TO BE ENTITLED

1	AN ACT
2	relating to providing road district powers to the Montgomery County
3	Municipal Utility District No. 131; providing authority to issue
4	bonds.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6	SECTION 1. Subtitle F, Title 6, Special District Local Laws
7	Code, is amended by adding Chapter 7967 to read as follows:
8	CHAPTER 7967. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
9	NO. 131
10	SUBCHAPTER A. GENERAL PROVISIONS
11	Sec. 7967.001. DEFINITION. In this chapter, "district"
12	means the Montgomery County Municipal Utility District No. 131.
13	Sec. 7967.002. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
14	The district is created to serve a public purpose and benefit.
15	(b) The district is created to accomplish the purposes of:
16	(1) a municipal utility district as provided by
17	general law and Section 59, Article XVI, Texas Constitution; and
18	(2) Section 52, Article III, Texas Constitution, that
19	relate to the construction, acquisition, improvement, operation,
20	or maintenance of macadamized, graveled, or paved roads, or
21	improvements, including storm drainage, in aid of those roads.
22	SUBCHAPTER B. POWERS AND DUTIES
23	Sec. 7967.101. AUTHORITY FOR ROAD PROJECTS. Under Section
24	52, Article III, Texas Constitution, the district may design,

S.B. No. 993

- 1 acquire, construct, finance, issue bonds for, improve, operate,
- 2 maintain, and convey to this state, a county, or a municipality for
- 3 operation and maintenance macadamized, graveled, or paved roads, or
- 4 improvements, including storm drainage, in aid of those roads.
- 5 Sec. 7967.102. ROAD STANDARDS AND REQUIREMENTS. (a) A road
- 6 project must meet all applicable construction standards, zoning and
- 7 subdivision requirements, and regulations of each municipality in
- 8 whose corporate limits or extraterritorial jurisdiction the road
- 9 project is located.
- 10 (b) If a road project is not located in the corporate limits
- 11 or extraterritorial jurisdiction of a municipality, the road
- 12 project must meet all applicable construction standards,
- 13 subdivision requirements, and regulations of each county in which
- 14 the road project is located.
- 15 (c) If the state will maintain and operate the road, the
- 16 Texas Transportation Commission must approve the plans and
- 17 specifications of the road project.
- 18 SUBCHAPTER C. BONDS
- 19 Sec. 7967.201. BONDS FOR ROAD PROJECTS. At the time of
- 20 issuance, the total principal amount of bonds or other obligations
- 21 issued or incurred to finance road projects and payable from ad
- 22 valorem taxes may not exceed one-fourth of the assessed value of the
- 23 real property in the district.
- 24 SECTION 2. (a) The legal notice of the intention to
- 25 introduce this Act, setting forth the general substance of this
- 26 Act, has been published as provided by law, and the notice and a
- 27 copy of this Act have been furnished to all persons, agencies,

S.B. No. 993

- 1 officials, or entities to which they are required to be furnished
- 2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
- 3 Government Code.
- 4 (b) The governor, one of the required recipients, has
- 5 submitted the notice and Act to the Texas Commission on
- 6 Environmental Quality.
- 7 (c) The Texas Commission on Environmental Quality has filed
- 8 its recommendations relating to this Act with the governor, the
- 9 lieutenant governor, and the speaker of the house of
- 10 representatives within the required time.
- 11 (d) All requirements of the constitution and laws of this
- 12 state and the rules and procedures of the legislature with respect
- 13 to the notice, introduction, and passage of this Act are fulfilled
- 14 and accomplished.
- 15 SECTION 3. This Act takes effect immediately if it receives
- 16 a vote of two-thirds of all the members elected to each house, as
- 17 provided by Section 39, Article III, Texas Constitution. If this
- 18 Act does not receive the vote necessary for immediate effect, this
- 19 Act takes effect September 1, 2017.

### PUBLISHER'S AFFIDAVIT STATE OF TEXAS COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON T BY ME DULY SWORN, DEPOSES AND SAYS THAT HE COUNTY NEWS, THAT SAID NEWSPAPER IS REGULA GENERALLY CIRCULATED IN MONTGOMERY COUN HERETO ATTACHED, WAS PUBLISHED IN SAID NEW	E IS AN AGENT ARLY PUBLISH ITY, TEXAS; AI SPAPER ON TI	TO THE PUE ED IN MONT ND THAT TH	BLISHER OF THE M GOMERY COUNTY E NOTICE, A COPY	ONTGOMERY 7, TEXAS, AND				
	DAY(S) OF		XIXIIAVI	, 2010.				
Case/Cause# FAR NOTICE FOR	M.C.	MUD	#131					
M. Oucto De Test								
	PUBLISHER/	PUBLISHER'	S REPRESENTATIV	'E, MONTE WEST				
NOTARY:	The state of the s	Notary Pu My Cor	RILY THOMPSON ublic, State of Texas mmission Expires uary 02, 2019	-				
MY COMMISSION EXPIRES: <u>01-02-2019</u> AFFIX NOTARY SEAL ABOVE:								
SWORN AND SUBSCRIBED TO ME ON THIS THE DAY OF DOWN DEV, 2016, TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.								
MONTH THE STATE OF	TE OF TEXAS	MERRILY T		F NOTARY PUBLIC				

### NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TEXAS

reby given of the intention to introduce in the Regular Session of the 85th of Texas as bill relating to the powers and duties of Mongomery County visitify Datrick to 13.1. The general substance of the law is a follower, And to the top to the openers and duties of Mongomery County Municipal Utility Datrick to Salating other provisions related to the subspect, and finding that notice of the disabled Dates. December 28, 2016

### NOTICE OF INTENTION TO INTRODUCE A BILL. IN THE LEGISLATURE OF TEXAS

### NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TEXAS

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### NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TENAS

TN THE LEGISLAS UND UP a survey of the Regular Escasion of the RS\* of Texas as bill relating to the powers and duster of Wood Trace Municipal is to No. 1, of Monogramy Coulty, Texas The general substance of the law : AM ACT relating to the powers and duster of Wood Trace Municipal is : AM ACT relating to the powers and duties of Wood Trace Municipal is : AM ACT relating to the powers and duties of Wood Trace Municipal is : AM ACT relating to the powers and duties of Wood Trace Municipal act : AM Coult relating to the power and the state of the three th

### LEGAL LEGAL LEGAL LEGAL LEGAL LEGAL LEGAL

Byswer, TX 77321

All persons having claims against the Estate which is currently being to to present them within the time and in the meaner prescribed by law.

Dated this the 22" day of Decomber, 2016

by: (Windom Concos)

Attemy for the Estate
Published Date: Decre

The nature of sald suit being substantially as follows, to wit:

APPLICATION FOR LETTERS OF ADMINISTRATION
GIVEN under my hand and seal of sald Court, at office in CONROE, Texas, this 144

MARK TURNBULL, COUNTY CLERK MONTGOMERY COUNTY, TEXAS

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### Christmas Gifts Arrived Early In Texas

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This year Christman
The year Christm

### Save the date for "Betting On Courage Under The Big Top!" gala to benefit Children's Safe Harbor on April 1, 2017.